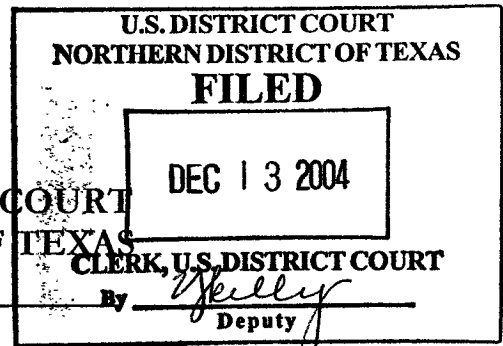


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS



MISCELLANEOUS ORDER NO. 53

The district judges of this court have considered and adopted the attached Firearms Policy. This policy supersedes the policy adopted on September 9, 2002, and is effective immediately.

ENTERED on behalf of the Court on December 13, 2004.

A. Joe Fish  
A. JOE FISH, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

## **FIREARMS POLICY**

### **U.S. Pretrial Services Office and U.S. Probation Office Northern District of Texas**

**Scope:** Officers

**Effective Date:** December 13, 2004

**Policy:** Approved by U.S. Pretrial Services Chief Ed Reyna, U.S. Probation Chief Robert Wetherholt and the Safety/Firearms Administrator of the Administrative Office of the U.S. Courts.

Pursuant to Title 18 U.S.C. Section 3154 (13) and 3603 (9), an officer may carry a firearm pursuant to the regulations of the Director of the Administrative Office of the United States Courts and local policy of the Northern District of Texas. With the court's authorization (see Miscellaneous Order No. 53), probation and pretrial services officers are permitted to carry firearms in the performance of their duties, generally. The chief probation and chief pretrial services officers (chiefs) shall make a report to the court semiannually describing the experience of their respective departments in the operation of this policy.

*Lethal force:* The use of lethal force is limited to defensive situations. Officers may use firearms only to defend themselves or fellow officers from a perceived threat of imminent serious bodily injury or death when retreat is not a safe alternative.

*Initial procedures:* To qualify to carry a firearm, an officer must successfully complete the Administrative Office of the United States Courts' Initial Firearms Training Program. The program consists of classroom and range training. Successful completion requires passing a written examination with a score of at least 80 percent and shooting the qualifying courses with a score of at least 80 percent on each. Upon successful completion of the initial training, the officer must request permission in writing to carry a firearm and the request must be approved in writing by the chief. Officers shall carry only the firearm and holster with which he or she qualified, with only the authorized, issued magazines and duty ammunition (see "Authorized ammunition."). Upon recommendation of the District Firearms Instructor (DFI) and/or at the chief's discretion, the probation or pretrial services officer's authority to be armed on duty may be revoked at any time.

*Requalification and Training:* Officers shall requalify on the nationally approved qualification courses annually with a score of at least 80 percent on each. At least two attempts to requalify will be permitted. Further training will be required if more than two attempts are necessary to requalify. Any officer who fails to requalify shall cease carrying a firearm immediately. The firearm, along with magazines and holster, shall be immediately surrendered to the district firearms instructor (DFI) or designated assistant firearms instructor (AFI) who will then ensure that the firearm is returned to inventory until such time as the officer has the opportunity to requalify. Any officer who fails to requalify shall participate in firearms remediation training prior to the next attempt at requalification. The DFI or AFI will transport the weapon(s) for any training sessions and requalification. At the chief's discretion, the officer may be required to purchase his or her own ammunition for remediation training sessions. In addition to requalifying annually, armed officers shall participate as directed in firearms training.

*Authorized Weapon:* Officers may carry only the authorized weapon, which is a government-issued Glock Model 22 or 23, safe-action, semi-automatic pistol with a trigger pull of no less than 5.5 pounds. In the rare event an officer's hand size requires a smaller-framed pistol, the Assistant Director of the Office of Probation and Pretrial Services or his delegate may authorize a chief to provide an officer with an alternative government-owned pistol pursuant to the instructions provided in the national firearms policy.

*Weapon Servicing:* The officer assigned the firearm will conduct a weapon safety inspection before and after each firearms training session. The firearm is to be cleaned thoroughly after each training session and as needed thereafter. The firearms instructor or designated assistant will conduct a safety inspection on each weapon before it is put into service and will conduct safety inspections on that weapon annually. All pistols will be serviced, internally cleaned, and inspected at least every three years by a competent, factory authorized Glock armorer. Weapons are not to be structurally modified and should be in compliance with all factory specifications.

*Authorized ammunition:* Only nationally approved service ammunition, as specified in the Firearms Regulations of the Director of the Administrative Office for U.S. Probation and Pretrial Services Officers, is to be carried on duty and is to be used in qualifying and requalifying to carry a firearm. Reloaded ammunition is not authorized for use.

*Authorized holster:* Authorized holsters include (1) a directional draw, hip holster, with a trigger guard and thumb break or other retention device approved by the DFI, or (2) a

fanny pack with a retention device approved by the DFI. Holsters will be inspected by the firearms instructor before they are put into service to insure that they are safe and appropriate for duty use. The firearms instructor will conduct annual holster inspections.

*Safe Handling and Storage of Firearms:* A firearm and its accessories; including the holster, magazines and ammunition; are not to be displayed in plain view in public areas or in the office, except in a defensive response. Firearms are never to be cleaned in the office, except by a factory authorized Glock armorer. Any time a weapon is drawn in a defensive manner, the chief must be notified immediately.

**In the office:** At the discretion of the chief, the firearm should be carried (1) concealed on the officer or (2) stored in the locked office gun cabinet or (3) stored in a lock box mounted to the desk or (4) kept in an officer's locked desk drawer, pursuant to national policy.

Overnight storage of a firearm shall be in a safe, a vault, or a firearm lockbox in a secured room designated and designed for the storage of firearms. This room is to be locked, with access limited primarily to officers. If a designated room is not available, a gun safe may be used in the officer's office, with the chief's prior approval. The gun safe should be securely mounted to a piece of furniture or the floor and out of plain view. The door to the officer's office must be locked at night. Overnight storage in a gun safe mounted to a desk drawer or cabinet drawer is not authorized.

A firearm stored in any of the approved office storage options is to remain loaded and in the holster.

**In the vehicle:** It is acceptable to lock the firearm in the vehicle trunk or other attached locking storage container in vehicles such as trucks and vans when commuting directly to or from work, or directly to or from the firearms range. Otherwise, the firearm should be concealed in a holster on the officer. Firearms and accessories, including magazines and ammunition, are **not** to be stored or left unattended in government or personal vehicles at any time. An officer who makes a stop during the commute to or from work should carry the firearm on his/her person, to avoid leaving the firearm unattended in the vehicle. At the discretion of the chief or chief's designee, an exception may be made during the transport of firearms and related equipment for the purpose of qualification/training. However, firearms and related equipment should never be left in a vehicle overnight, under any circumstances.

**In the residence:** The firearm should be safely secured at home to minimize the possibility of any unauthorized use. Particular attention to security must be given in residences where any children may have access to the firearm. Gun locks and lock boxes are issued as safety devices to prevent children or other unauthorized individuals from being able to fire the weapon. Firearms should be unloaded and secured with a gun lock supplied by the department, or by the firearm manufacturer. Accessories, including magazines, ammunition, the gun lock key and the lock box key, are to be stored separately from the firearm, secured in a location not readily apparent to other individuals.

*Carrying the Firearm:* The firearm is only to be carried while the officer is on duty, except in special instances approved by the chief or chief's designee with the Chief Judge's approval. Officers shall carry their firearm concealed and in an approved holster; firearms will not be carried in purses. While preferred practice is for officers to carry their firearm on their person, it is recognized that in exceptional circumstances firearms may be transported in briefcases (while holstered) in vehicles according to policy (See "Safe Handling and Storage of Firearms - In the Vehicle"), then carried by the officer directly into the office where the gun shall either be stored according to policy (See "Safe Handling and Storage of Firearms - In the Office") or holstered on the officer's person.

Officers shall carry credentials and a badge on their person when armed or when transporting a weapon. Officers are to only wear or carry badges authorized and issued through the U.S. Probation Office or U.S. Pretrial Services Agency. It is highly recommended, but not required, that officers wear badges when armed. While wearing an authorized weapon in the authorized holster, the badge may be placed immediately in front of the holster, and must be concealed so it is only visible if the officer pulls back the vest or jacket to draw the weapon. Badges are only to be worn in this manner when the officers are armed. Officers who use fanny packs may wear their badge on the inside front flap. Pretrial services officers may also wear their badges on a neck chain/case when participating in a multi-defendant raid.

Firearms are never to be carried in a courtroom or chambers.

*Firearm discharge:* Warning shots are prohibited. Any discharge of the firearm other than during training shall be reported to the officer's supervisor or chief as soon as possible. A written report shall be submitted to the chief within 24 hours. The chief shall send

copies of any reports to the chief judge and to the Director of Administrative Office of the United States Courts forthwith.

In the event an officer discharges their weapon, the officer should consider the need for medical attention and attempt to secure emergency medical services as soon as possible. Each officer is to be provided with an "Emergency Procedure Card," and must carry the card any time the officer is armed or on duty away from the office. The officer should immediately refer to the card for instructions in the event of a shooting.

*Responsibility of the Officer:* The firearm and accessories, including the holster, magazines, ammunition, gun lock and lock box, are issued to the officer by the Probation Office and Pretrial Services Office for authorized use as described herein but remain the property of the respective office. The officer is responsible for the safe handling and storage of the firearm and accessories. Any unauthorized use or any loss of a firearm or accessories must be reported immediately to the chief or the chief's designee. Such unauthorized use or loss may result in disciplinary action, at the discretion of the chief. The officer may be required to reimburse the agency for any loss of issued property, including the firearm, holster, magazines, magazine holster, ammunition, gun lock and lock box.

*Chiefs' Discretion:* District firearms policy may be modified as necessary at the discretion of the Probation or Pretrial Services Chief for their respective offices.